

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:22-cr-00671-SRC
)
ARVELL PRUITT,)
)
Defendant.)

Order

Defendant Arvell Pruitt moves to dismiss the one-count indictment charging him with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Doc. 70. Pruitt believes that the prosecution of this offense violates his Second Amendment rights because the lifetime ban imposed by § 922(g)(1) is not “consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 1–2 (citing *New York State Rifle & Pistol Assoc., Inc. v. Bruen*, 597 U.S. 1, 24 (2022)). Pruitt acknowledges that the Eighth Circuit foreclosed his argument in *United States v. Jackson*, 69 F.4th 495, 502 (8th Cir. 2023), and that this Court is bound by the Eight Circuit’s decision. *Id.* at 2. However, Pruitt believes that the Eighth Circuit incorrectly decided *Jackson* and filed his motion to preserve this issue in hopes the Supreme Court will take it up the issue to clarify when and if prosecutions under § 922(g)(1) are constitutional. *Id.* at 2–6.

The Court referred Pruitt’s motion to Chief United States Magistrate Judge Shirley Padmore Mensah. See 28 U.S.C. § 636(b). Judge Mensah issued a Report and Recommendation, recommending that the Court deny Pruitt’s motions. Doc. 90. Judge Mensah

also advised Pruitt that he had 14 days, or until April 3, 2023, to file objections to the Report and Recommendation, which he did not file.

After careful consideration, the Court sustains, adopts, and incorporates Judge Mensah's [90] Report and Recommendation, and denies Pruitt's [70] Motion to Dismiss.

So ordered this 11th day of April 2024.


STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE